

RENTON CITY COUNCIL
Regular Meeting

November 5, 2001
Monday, 7:30 p.m.

Council Chambers
Renton City Hall

MINUTES

CALL TO ORDER

Mayor Jesse Tanner led the Pledge of Allegiance to the flag and called the meeting of the Renton City Council to order.

**ROLL CALL OF
COUNCILMEMBERS**

DAN CLAWSON, Council President; KATHY KEOLKER-WHEELER; TERRI BRIERE; KING PARKER; DON PERSSON; RANDY CORMAN; TONI NELSON.

**CITY STAFF IN
ATTENDANCE**

JESSE TANNER, Mayor; JAY COVINGTON, Chief Administrative Officer; LAWRENCE J. WARREN, City Attorney; MARILYN PETERSEN, City Clerk; GREGG ZIMMERMAN, Planning/Building/Public Works Administrator; JIM SHEPHERD, Community Services Administrator; MIKE WEBBY, Human Resources Administrator; DENNIS CULP, Facilities Director; TOM BOYNS, Property Services Supervisor, DEREK TODD, Assistant to the CAO; CHIEF LEE WHEELER and DEPUTY CHIEF GLEN GORDON, Fire Department; CHIEF GARRY ANDERSON, Police Department.

SPECIAL PRESENTATION
Fire: Apprentice Recognition

Fire Chief Lee Wheeler and Deputy Fire Chief Glen Gordon announced that six firefighters have attained journeyman status by completing the three-year Washington State apprenticeship training program. They presented the following firefighters with certificates of completion: Erik Hammes, Mike Johnson, Dave Laha, Tom Streifel, and Steve Wright. Cindy Johnson accepted the certificate on behalf of her husband, Seth Johnson, who passed away on October 16th.

PUBLIC HEARING
Vacation: SW 13th St between
Lind & Seneca, Dale Walker
(VAC-01-003)

This being the date set and proper notices having been posted and published in accordance with local and State laws, Mayor Tanner opened the public hearing to consider the street vacation petition for portion of SW 13th St. between Lind Ave. SW and Seneca Ave. SW in the Auto Mall area submitted by petitioners Dale Walker, D&C Investments, James A. Hess and William G. Bryant who represent the entire frontage along the right-of-way (VAC-01-003).

Tom Boyns, Property Services Supervisor, stated that the purpose of the street vacation request is to enable the petitioner Dale Walker to develop a parts and service facility to support his new car dealership. He noted that the request meets City Code provisions for the Auto Mall Improvement District which allows exemption from fees and also allows the vacation to proceed without cost to the developer. Describing the area to be vacated and detailing the ownership of the various parcels affected, Mr. Boyns pointed out that SW 13th St. is not accessible from Lind Ave. SW.

Mr. Boyns noted the presence of City-owned utilities in the area to be vacated and reported that Water, Wastewater and Surface Water Utility Divisions have requested that an easement be retained to maintain the utilities until they are relocated by the developer. He pointed out that the Fire Department supports the vacation request; and has required the installation of a water main to two fire plugs located on the north side of SW 13th St. and provision of emergency access to the fire plugs. In conclusion, Mr. Boyns indicated that the fair

market value of the right-of-way is \$345,000 after adjustment for retaining an

easement, and he stated that staff recommends approval of the request to vacate SW 13th St.

Audience comment was invited.

Dale Walker, street vacation petitioner, 14319 178th Lane NE, Woodinville, 98072, explained that his business has outgrown its current facility located at 720 Rainier Ave. S. and he plans to relocate the parts and service segment of his business to the new site and retain the new car sales segment at the current facility. He stated that approval of the street vacation would provide him with a contiguous piece of property that would allow him more flexibility in the design of the new facility.

MOVED BY PARKER, SECONDED BY CORMAN, COUNCIL CLOSE THE PUBLIC HEARING. CARRIED.

MOVED BY CLAWSON, SECONDED BY NELSON, COUNCIL APPROVE THE REQUEST TO VACATE THE RIGHT-OF-WAY SUBJECT TO THE CONDITION THAT A UTILITY EASEMENT SHALL BE RETAINED OVER THE ENTIRE RIGHT-OF-WAY VACATED; ACCEPT THE PROPERTY SERVICES STAFF RECONCILIATION OF THE CURRENT VALUE OF THIS RIGHT-OF-WAY DETERMINED TO BE \$345,000; AND WAIVE ALL FURTHER FEES FOR THIS PROCESS AS PROVIDED IN THE AUTO MALL EXEMPTION IN CITY CODE. CARRIED.

APPEAL

Planning & Development Committee

Appeal: Langham Short Plat,
Sally Langham (SHP-01-085)

Citing a potential conflict of interest with the next item, Councilman Corman excused himself from the meeting. Time: 7:53 p.m.

Planning and Development Committee Chair Keolker-Wheeler presented a report regarding the Langham short plat appeal (SHP-01-085). The Committee convened to consider the appeal of the decision of the Hearing Examiner, dated August 16, 2001. The subject property is located at 1006 Shelton Ave. NE. The applicant seeks an approval of a short plat of six lots as conditioned by City staff.

The applicant appealed the decision of the Hearing Examiner requiring the applicant to combine lots three and four, thereby creating a five lot short subdivision.

FINDINGS OF FACT

1. Staff recommended approval of the short plat consisting of six lots as proposed by the applicant.
2. The subject property has an overhead utility easement that restricts the building of permanent buildings and limits vegetation height along a portion of lots three and four.
3. The easement does not otherwise limit the use and enjoyment of the subject lots.
4. Lot three is also encumbered by a private street easement along its eastern boundary.
5. The subject property is zoned R-8 (Residential Single Family; eight dwelling units per acre).
6. Even allowing for the private road easement and the building restrictions

created by the overhead utility easement, both lots still have a buildable lot size that would allow a substantially large home to be built.

CONCLUSION OF LAW

The Hearing Examiner's conclusions 1, 2, 3, 5, and 6 are based on his conclusions that the utility line easement is so restrictive as to leave the encumbered portion of lots three and four "virtually unusable." The Committee finds that conclusion to be an error of fact. Therefore, the Committee concluded that the Hearing Examiner's decision to require consolidation of lots three and four to be based on an error in fact.

RECOMMENDATION

The Committee recommended that the City Council reverse the Hearing Examiner's decision to require consolidation of lots three and four. The Committee further recommended that the remainder of the Hearing Examiner's decision be upheld. **MOVED BY KEOLKER-WHEELER, SECONDED BY BRIERE, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.**

Councilman Corman returned to the meeting. Time: 7:56 p.m.

ADMINISTRATIVE REPORT

Chief Administrative Officer Jay Covington reviewed a written administrative report summarizing the City's recent progress towards goals and work programs adopted as part of its business plan for 2001 and beyond. Items noted included:

- * The Annual Hassle Free Holiday Bazaar will be held at the Community Center on Friday, November 16th, from 11:00 a.m. to 7:00 p.m., and on Saturday, November 17th, from 9:00 a.m. to 5:00 p.m.
- * The Rainier Classic Chevy Club donated \$215 to the City of Renton Scholarship Program.
- * Due to the declining temperature and wet weather conditions, two paving projects have been postponed until early spring: the Wells and Williams Ave. S. and S. 4th and 5th St. asphalt pavement overlay; and the Lind Ave. SW restoration project.

WSDOT: I-405 Corridor Program

Planning/Building/Public Works Administrator Gregg Zimmerman briefed Council on two additional proposals which have recently been submitted to the Washington State Department of Transportation's (WSDOT) I-405 Corridor Program. He stated that as soon as November 16th, the I-405 Corridor Program Executive Committee could make a decision on the preferred alternative to improve the I-405 Corridor. He noted that Renton conditionally endorses the current preliminary preferred alternative which involves constructing two general purpose lanes in each direction, bus rapid transit, and improvements to SR-167 and the I-405/SR-167 interchange.

Mr. Zimmerman reported that the proposal submitted by Sensible Solutions for the I-405 Corridor proposes dropping one of the two lanes, and adding only one lane in each direction which would be an HOV toll lane, and adding a diesel-modular unit rail system on the Burlington Northern Santa Fe right-of-way. Another proposal suggests the usage of lane balancing by adding three general purpose lanes in each direction south of I-90. Mr. Zimmerman described the adverse impacts the proposals would have on Renton, and he indicated that the Environmental Impact Statement (EIS) would most likely have to be re-opened to study the impacts of these proposals. He recommended that the administration

write a letter to the I-405 Management Team expressing the City's concerns regarding the two proposals, and to suggest that the Team not waste time by studying proposals that have significant flaws.

Encouraging the Council to support such a letter, it was MOVED BY PARKER, SECONDED BY BRIERE, COUNCIL AUTHORIZE THE ADMINISTRATION TO PREPARE A LETTER TO BE SIGNED BY THE MAYOR AND COUNCIL PRESIDENT TO THE I-405 MANAGEMENT TEAM REGARDING THE CITY'S POSITION ON THE I-405 CORRIDOR PROGRAM PREFERRED ALTERNATIVE.*

Council discussion ensued regarding what should be included in the letter, who should sign the letter, and the potential impacts the proposals would have on the City. Councilmembers expressed concern that both proposals would greatly increase the cost of the project and extend the timeframe of the project, especially if additional environmental studies were required.

Responding to Council inquiry, Mr. Zimmerman stated that if any of the main jurisdictions impacted by the I-405 Corridor project objected to the selection of the preferred alternative, the selection process would be sent back to arbitration.

*MOTION CARRIED.

CONSENT AGENDA

Items on the consent agenda are adopted by one motion which follows the listing. At the request of Councilman Parker, item 8.w. was removed for separate consideration.

Council Minutes of October 22, 2001

Approval of Council minutes of October 22, 2001. Council concur.

Appointment: Civil Service Commission

Mayor Tanner appointed Richard C. Fisher, 833 SW Sunset Blvd., Renton, 98055, to the Civil Service Commission for an unexpired six-year term expiring 12/31/2006. Refer to Community Services Committee.

Vacation: NW 5th St (Rainier to 91st), Chang Brothers & Miller (VAC-01-005)

City Clerk submitted petition for street vacation for portion of NW 5th St. from Rainier Ave. N. to 91st Ave. S.; petition received on 10/22/2001 from Chang Brothers, Inc. and Wayne & Debra Miller, accompanied by required fee. Refer to Planning/Building/Public Works Administrator for recommendations; set public hearing on 11/26/2001 to consider the petition. (See page 395 for resolution setting the public hearing.)

Vacation: Lyons Ave NE between NE 2nd & NE 4th, Conner Homes (VAC-01-004)

City Clerk submitted petition for street vacation for portions of Lyons Ave. NE, between NE 2nd and NE 4th Streets; petition received on 10/8/2001 from Conner Homes, accompanied by required fee. Refer to Planning/Building/Public Works Administrator for recommendations; set public hearing on 11/26/2001 to consider the petition. (See page 395 for resolution setting the public hearing.)

Lease: King County Sexual Assault Resource Center, 200 Mill Bldg (Ground Floor)

Community Services Department recommended approval of a seven-year lease with King County Sexual Assault Resource Center for the ground floor of the 200 Mill Building. Refer to Finance Committee.

Comprehensive Plan: 2002 Amendment Pre-Application, S Talbot Rd (WSDOT-owned)

Economic Development, Neighborhoods and Strategic Planning Department submitted pre-application for 2002 Comprehensive Plan Amendment for 55 acres owned by Washington State Department of Transportation (WSDOT) located near the intersection of S. Talbot Rd. and S. 43rd St. to change land use designation from Residential Rural (R-1 zoning) to a combination of Employment Area Office (CO zoning), Residential Single Family (R-8 zoning), and Residential Options or Residential Planned Neighborhood (R-10 or R-14

	zoning). Waiver of filing fee is also requested. Refer to <u>Planning & Development Committee</u> .
EDNSP: Renton Lodging Tax Advisory Committee	Economic Development, Neighborhoods and Strategic Planning Department recommended the appointment of Howard Cohen, general manager of Holiday Inn Select, to the Renton Lodging Tax Advisory Committee to fill the vacancy left by Tim Salley. Council concur.
Annexation: Piele, 142nd Ave SE & NE 6th St	Economic Development, Neighborhoods and Strategic Planning Department recommended a public hearing be set on 11/19/2001 to consider R-8 (Residential Single Family; eight dwelling units per acre) zoning for the Piele Annexation; 20 acres located east and west of 142nd Ave. SE (Hoquiam Ave. NE), south of NE 6th St. (if extended) and west of 144th Ave. SE (if extended). Council concur.
Annexation: Honey Creek East, Union Ave NE	Economic Development, Neighborhoods and Strategic Planning Department submitted 60% Notice of Intent to Annex Petition for the proposed Honey Creek East Annexation; approximately 28 acres located west of Union Ave. NE and south of Sierra Heights Elementary School; and recommended a public hearing be set on 11/19/2001 to consider the petition. Council concur.
Annexation: Vuong, 13642 SE 16th St	Economic Development, Neighborhoods and Strategic Planning Department submitted 60% Notice of Intent to Annex Petition for the proposed Vuong Annexation; approximately 2.5 acres located on SE 116th St.; and recommended a public hearing be set on 11/19/2001 to consider the petition. Council concur.
Annexation: Wofford, Lyons Ave NE & NE 2nd Ave	Economic Development, Neighborhoods and Strategic Planning Department recommended a public meeting be set on 11/19/2001 to consider the 10% Notice of Intent to Annex Petition for the proposed Wofford Annexation; approximately 45 acres bounded by Lyons Ave. NE, NE 2nd Ave., 144th Ave. SE (Jericho Ave. NE), and Maplewood Heights Elementary School. Council concur.
Annexation: Maplewood Heights Elementary, Jericho Ave NE & SE 136th St	Economic Development, Neighborhoods and Strategic Planning Department recommended a public meeting be set on 11/19/2001 to consider the 10% Notice of Intent to Annex Petition for the proposed Maplewood Heights Elementary Annexation; approximately 9.5 acres bounded by 144th Ave. SE (Jericho Ave. NE), SE 136th St., and Lyons Ave. NE. Council concur.
Legal: 2002 Legal Services Contract, Warren, Barber & Fontes, PS	Executive Department recommended renewal of the contract with Warren, Barber & Fontes, P.S. for 2002 legal services. Refer to <u>Finance Committee</u> .
Budget: 2002 Annual City of Renton	Finance & Information Services Department recommended a public hearing be set on 11/26/2001 to consider the 2002 annual City of Renton Budget. Council concur.
Human Resources: Dependent Medical/Dental Coverage of Employees Called to Active Duty	Human Resources & Risk Management Department recommended approval of a resolution which provides medical and dental coverage to eligible dependents of employees who have been called to active duty for "Operation Enduring Freedom." Council concur. (See page 395 for resolution.)
Legal: Litter Regulation Violations	Legal Department recommended approval of an ordinance which amends the penalties provision for first and subsequent offenses for violations of litter regulations. Refer to <u>Public Safety Committee</u> .
Public Works: Water Maintenance Manager	Planning/Building/Public Works Department recommended the reclassification of the Water Maintenance Manager position from Grade M26, Step E, to Grade

Reclassification to Grade M33 M33, Step E. Refer to Finance Committee.

Latecomer Agreement: 91-001, Request for Extension, Kindle Technical Services Division requested authorization to extend the latecomer agreement for sewer improvements granted to Emmett and Donna Kindle in 1991 for an additional five years (LA-91-001). Council concur.

CAG: 01-113, Airport Pavement Replacement, Lakeridge Paving Transportation Systems Division submitted CAG-01-113, Airport Pavement Replacement; and requested approval of the project, authorization for final pay estimate in the amount of \$101,927.40, commencement of 60-day lien period, and release of retained amount of \$5,364.60 to Lakeridge Paving, LLC, contractor, if all required releases are obtained. Council concur.

Transportation: NE 3rd/4th St Corridor Study, Robert Bernstein Transportation Systems Division recommended approval of a consultant agreement with Robert Bernstein, Inc. in the amount of \$114,400 to complete the NE 3rd and NE 4th Streets corridor study. Refer to Transportation Committee.

Transportation: WSDOT & King County Contracts for Monster Rd SW/68th Ave S Guardrail Improvements Transportation Systems Division requested approval of agreements with Washington State Department of Transportation (WSDOT) and King County for Monster Rd. SW/68th Ave. S. guardrail improvements. WSDOT grant covers 90% of the total project cost of \$70,000, with the City and King County splitting the remaining 10%. Refer to Transportation Committee.

Transportation: Headhunter Hire to fill Planner Position Transportation systems Division requested authorization for the expenditure of up to \$20,000 to hire a headhunter to help the City fill the Transportation Planner position. Refer to Finance Committee.

Utility: Global Positioning System Equipment Purchase Utility Systems Division requested authorization to purchase global positioning system equipment in the amount of \$81,415.14. Refer to Finance Committee.

Plat: Maureen Highlands, NE 4th St (PP-01-079) Hearing Examiner recommended approval, with conditions, of the Maureen Highlands preliminary plat; 124 single-family lots on 36.85 acres located at 6118 NE 4th St. (PP-01-079). Council concur.

MOVED BY CLAWSON, SECONDED BY NELSON, COUNCIL APPROVE THE CONSENT AGENDA AS AMENDED TO REMOVE ITEM 8.w. FOR SEPARATE CONSIDERATION. CARRIED.

Separate Consideration

Item 8.w.

Airport: Supervisor Position Hire Expenses

Transportation Systems Division requested authorization to hire the Airport Supervisor at Step D or E of the salary range, to reimburse job candidate travel expenses, and to reimburse moving expenses up to \$8,000.

MOVED BY PARKER, SECONDED BY CLAWSON, COUNCIL APPROVE CONSENT AGENDA ITEM 8.w. AS PRESENTED. CARRIED.

OLD BUSINESS

Transportation: Post Office (NE 4th St) Access Problems

Responding to Council inquiry regarding who is going to pay for the traffic access improvements at the Highlands Post Office located on NE 4th St., Planning/Building/Public Works Administrator Gregg Zimmerman explained that Transportation Operations proposes improved channelization on NE 4th St. fronting the U.S. Post Office which will include C-curbing and traffic islands. He stated that although he will pursue obtaining reimbursement from the U.S.

Postal Service for the cost of the improvements, he is not confident that the City will receive any monetary assistance.

Councilwoman Keolker-Wheeler suggested keeping track of the costs for the traffic improvements and if the U.S. Postal Service does not contribute, she recommended that the City write letters to Federal legislators and senators

informing them of the impact of Federal facilities on communities.

Councilwoman Briere expressed concern about traffic safety, especially with the upcoming holiday mailing season, and stressed the need for the improvements to be expedited.

**Plat: Removal of Unappealed
Land Use Items from Consent
Agenda**

Responding to Council inquiry, City Attorney Larry Warren commented on the Council's legal authority to remove unappealed Hearing Examiner recommendations from the Consent Agenda for the purpose of reversing or amending the report. He explained that when a recommendation is made to Council, Council is sitting in a quasi-judicial role; therefore, Council is limited to the record prepared for it by the Hearing Examiner. Should Council feel that the Hearing Examiner's recommendation is not supported by the factual record that he has prepared either directly, or through a lack of information, it can refuse to accept the Hearing Examiner's recommendation.

Continuing, Mr. Warren explained that Council could vote to deny the land use matter, or remand it to the Hearing Examiner to fill in gaps in the testimony if there is inadequate information upon which to make a decision. He pointed out that the fact-finding authority has been delegated to the Hearing Examiner. The Hearing Examiner makes the factual determinations and then issues a report of the findings of fact, conclusions and a recommendation. Mr. Warren stated however, that according to State law, the Council retains the ultimate decision on approving the land use matter. He suggested that the Council consult with him prior to taking this type of action.

**Community Services: Historic
Preservation Assessment
Contract**

Councilwoman Briere reported that finalists for the historic preservation assessment contract have been interviewed and the City selected the firm of Entrix, Inc. She added that the evaluation of Renton's historic buildings should be completed by the end of January 2002.

Utilities Committee

**Utility: Oversize Request by
Burnstead Construction, Fund
Transfer & Appropriation**

Utilities Committee Chair Briere presented a report regarding the developer request for oversizing at East Renton Lift Station. The Committee concurred in staff's recommendation that Council approve the oversizing request by Burnstead Construction in the amount of \$101,470 for the additional costs associated with the East Renton Lift Station, and that funds be transferred within the Wastewater Utility to cover this expenditure.

The Committee further recommended that an additional \$300,000 appropriation be added to the Wastewater Sewer Main Extension Capital Improvement line item. **MOVED BY BRIERE, SECONDED BY KEOLKER-WHEELER, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.**

Finance Committee

Finance: Vouchers

Finance Committee Chair Parker presented a report recommending approval of Claim Vouchers 197919, 197921 - 198361 and two wire transfers totaling \$2,699,372.17; and approval of Payroll Vouchers 34774 - 35027 and 537 direct deposits and one wire transfer totaling \$1,631,807.60. **MOVED BY PARKER, SECONDED BY NELSON, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.**

**Transportation (Aviation)
Committee**

**Transportation: Speeding
Problems in Neighborhoods**

Transportation (Aviation) Committee Chair Persson presented a report regarding traffic calming and neighborhood speeding. On October 23, 2001, the Committee conducted a public meeting to discuss the neighborhood speeding issue. After hearing a presentation from staff and comments from residents, the Committee referred to the administration the following questions:

1. When was the number of traffic patrol officers last increased?
2. How many miles of road have been added since that increase?
3. Is there a national standard regarding the number of traffic officers needed per mile of roadway?
4. What happened to the radar gun that citizens used to be able to use?

The Committee also recommended that short term task force be established to research what other cities are doing to deal with speeding issues and to recommend solutions that might work for Renton. At a minimum, this committee should consist of a representative from the following groups:

1. The Transportation Department, Street Division
2. The Economic Development Department
3. The Fire Department
4. The Police Department
5. The City Council
6. Citizens in a neighborhood with known traffic problems
7. A citizen who is involved in transit and bike path issues
8. The Development Services Division (added)

The intent of this recommendation is that this group would report back to the Transportation Committee in three months. In the meantime, the Committee recommended that the City continue to follow Phase I priorities of Education, Engineering and Enforcement to respond to this issue. **MOVED BY PERSSON, SECONDED BY KEOLKER-WHEELER, COUNCIL CONCUR IN THE COMMITTEE REPORT.***

Responding to Councilman Parker's inquiry, Councilman Persson stated that traffic calming type devices use education and engineering to reduce speeding. These devices could potentially be used by the City to aid in reducing neighborhood speeding rather than issuing more tickets. He pointed out that traffic calming measures could be incorporated into the design of new developments, thus reducing the cutting through and speeding in neighborhoods.

***MOTION CARRIED.**

Development Services: Street Improvements Exemption for Small Short Plats

Transportation (Aviation) Committee Chair Persson presented a report regarding the exemption from street improvements for small short plats. On August 16 and October 16, 2001, the Committee met to discuss the issue of sidewalk requirements for short plats of three or less lots. Staff explained to the Committee that they felt direction was needed at this time due to priority the City Council has placed on sidewalks in neighborhoods. In the past, the Board of Public Works has reviewed requests for deferring sidewalk improvements. Under circumstances where the sidewalks would not connect to existing sidewalks, a deferral would be granted with the condition that the owners would agree to participate in a future local improvement district (LID). The deferral approval has been based on the facts that no sidewalks are present in the general area and future sidewalk improvements are unlikely due to the age and character of the neighborhood.

The Committee also heard from citizens who wanted to short plat their property so they could build a house for their disabled son, but under current policy, the cost of installing the improvements would be prohibitive. Staff explained that for many small short plats, the high cost of the street improvements on a per lot basis, made these small projects economically infeasible. The Committee supported the Board of Public Works in granting deferrals for situations where the improvements would be isolated, or are impractical due to physical constraints.

After much discussion, the Committee recommended that the policy direction from the City Council to staff should be to grant the deferrals under the following conditions:

1. The deferral is in an area where currently there are no sidewalks, and the prospects of additional sidewalks in the area are remote due to the age and character of the neighborhood.
2. The property owner agrees to participate in any future LID for sidewalk improvements.
3. This policy shall apply to only short plats of three or less lots.

MOVED BY PERSSON, SECONDED BY KEOLKER-WHEELER, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.

Responding to Councilman Parker's inquiry regarding the connection of a sidewalk at two new developments on Union Ave. NE by Sierra Heights Elementary School, Planning/Building/Public Works Administrator Gregg Zimmerman detailed what approaches can be taken to connect sidewalks. These include obtaining funding through the City's missing link sidewalk program, and, in some instances, a developer may install a temporary sidewalk. Councilman Parker suggested that the aforementioned sidewalk would be a good candidate for the missing link program.

ORDINANCES AND RESOLUTIONS

Resolution #3537

Vacation: NW 5th St (Rainier to 91st), Chang Brothers & Miller (VAC-01-005)

Resolution #3538

Vacation: Lyons Ave NE between NE 2nd & NE 4th, Conner Homes (VAC-01-004)

Resolution #3539

Human Resources: Dependent Medical/Dental Coverage of Employees Called to Active Duty

NEW BUSINESS

Fire: Non-City Use of Equipment

The following resolutions were presented for reading and adoption:

A resolution was read setting a public hearing date on 11/26/2001 for vacating a portion of NW 5th St. from Rainier Ave. N. to 91st Ave. S. (Chang Brothers, Inc. and Miller; VAC-01-005). MOVED BY CLAWSON, SECONDED BY NELSON, COUNCIL ADOPT THE RESOLUTION AS READ. CARRIED.

A resolution was read setting a public hearing date on 11/26/2001 for vacating portions of Lyons Ave. NE between NE 2nd and NE 4th Streets (Conner Homes; VAC-01-004). MOVED BY CLAWSON, SECONDED BY NELSON, COUNCIL ADOPT THE RESOLUTION AS READ. CARRIED.

A resolution was read authorizing continued City paid dependent medical and dental coverage of employees who are on active military service during "Operation Enduring Freedom." MOVED BY CLAWSON, SECONDED BY PERSSON, COUNCIL ADOPT THE RESOLUTION AS READ. CARRIED.

Council President Clawson asked what the City's policy is on the fill-the-boot fundraising efforts for muscular dystrophy by firefighters and on the use of fire fighting equipment for occurrences such as firefighters' funerals. Mayor Tanner stated that Fire Chief Lee Wheeler has the authority to dispatch fire equipment in

the charge of on-duty City employees subject to maintaining adequate fire coverage for the City. Regarding the fill-the-boot fundraiser in which firefighters solicit funds by going out in traffic, Mayor Tanner said that upon consultation with Police Chief Garry Anderson, Fire Chief Wheeler denied that form of fundraising because it is against the law. Police Chief Anderson confirmed that there is a statute in the Revised Code of Washington (RCW) which prohibits pedestrians from interfering with traffic in roadways.

Responding to Mayor Tanner's question regarding who has the authority to manage the fire-fighting equipment once the Council appropriates funds for the purchase, City Attorney Warren replied that the Mayor's Office has that authority. He explained that the executive branch of the City manages and executes policy, and the legislative branch establishes policy. Council President Clawson suggested that the City Attorney look into the matter, report back to Council, and then the Council can determine if it wants to change the policy.

Police: Criteria for Citing
Vehicles Parked Off Roadway

MOVED BY CORMAN, SECONDED BY PARKER, COUNCIL REFER TO PUBLIC SAFETY COMMITTEE THE REQUEST FOR A BRIEFING REGARDING WHAT CRITERIA THE PARKING ENFORCER USES TO DETERMINE WHETHER VEHICLES ARE PARKED ON PRIVATE OR PUBLIC PROPERTY WHEN ISSUING CITATIONS. CARRIED.

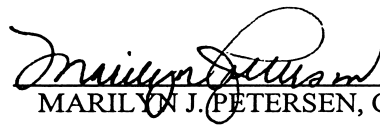
EXECUTIVE SESSION

MOVED BY PARKER, SECONDED BY NELSON, COUNCIL RECESS INTO EXECUTIVE SESSION FOR 65 MINUTES TO DISCUSS LITIGATION AND PERSONNEL. CARRIED. Time: 9:47 p.m.

The meeting was reconvened at 10:52 p.m.; roll was called; all Councilmembers present.

ADJOURNMENT

MOVED BY CORMAN, SECONDED BY BRIERE, COUNCIL ADJOURN. CARRIED. Time: 10:52 p.m.



MARILYN J. PETERSEN, CMC, City Clerk